

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 20424 of 2007(F)

PETITIONER:

**ENATHU SERVICE CO-OP.BANK LTD.NO.2529,
ENATHU P.O., PIN - 691 526,
REP. BY ITS PRESIDENT.**

BY ADV. SRLP.N.MOHANAN

RESPONDENTS:

**1. THE CONSUMER DISPUTE REDRESSAL FORUM,
PATHANAMTHITTA REP. BY ITS SECRETARY.**

**2. RAMACHANDRAN NAIR,
KOIKKALAZHIKATHU VADAKKETHIL,
ENATHU P.O., ADOOR.**

BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. M. JOSEPH, J.

W.P.C. NO. 20424 OF 2007 F

Dated this the 4th July, 2007

JUDGMENT

The Writ Petition is filed with the following prayers:

“i) Issue a writ of mandamus or other appropriate writ, order or direction that 1st respondent has no power to hear a dispute raised by the 2nd respondent as it is triable u/s.69 of the KCS Act.

ii) Declare that the Consumer Disputes Redressal Forum has no authority or jurisdiction to hear a dispute raised by the 2nd respondent as contained in Ext.P2.

Iii) Declare that since 2.1.03 Consumer Disputes Redressal Forum has no power to decide a dispute between a member and the society.”

2. Case of the petitioner Bank, in brief, is that the second respondent has approached the Consumer Disputes Redressal

Forum with a complaint. According to him, this is a matter governed by Section 69 of the Kerala Co-operative Societies Act. Section 69(h) reads as follows:

“69. Disputes to be decided by Co-operative Arbitration Court and Registrar - (1)

Notwithstanding anything contained in any law for the time being in force, if a dispute arises -

(h) between the society and a creditor of the society; such dispute shall be referred to the Co-operative Arbitration Court constituted under Sec.70A, in the case of non-monetary disputes and to the Registrar, in the case of monetary disputes and the Arbitration Court, or the Registrar, as the case may be shall decide such dispute and no other court or other authority shall have jurisdiction to entertain any suit or other proceedings in respect of such dispute.”

3. It is stated that after the amendment which was given effect from 2.1.2003, only the Authority under Section 69 of the Co-operative Societies Act can deal with the disputes enumerated therein. As this is a dispute enumerated therein,

there is no power with the Consumer Disputes Redressal Forum to deal with the matter, he contends. In the nature of the disposal which I propose to do, I do not think it necessary to issue notice to the second respondent. The Writ Petition is disposed of with a direction that if the petitioner raises the contention based on the question of maintainability before the first respondent, the first respondent will deal with it and take a decision in accordance with law.

K. M. JOSEPH, JUDGE

kbk.